

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. ^{2002-320-T}
~~2007-382-T~~

October 23, 2007

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S.C. PUBLIC SERVICE
COMMISSION

IN RE: Petition of the Office of Regulatory)	PETITION OF THE OFFICE OF
Staff for a Declaratory Order)	REGULATORY STAFF FOR AN
Regarding Placarding Requirements)	ORDER CLARIFYING PUBLIC
For Class C Charter Vehicles under)	SERVICE COMMISSION REQUIREMENTS
S.C. Code Regs. 103-153)	FOR THE PLACARDING OF CLASS C
and Commission Order)	CHARTER VEHICLES
No. 2002-739)	

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Instructions

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (1976 and Supp. 2006); that the Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. as enacted by 2004 S.C. Acts 175.

2. That 26 S. C. Code Regs. 103-153 (Supp. 2006) provides in relevant part that "1. Marking of Vehicles Required. No carrier regulated by the Public Service Commission shall operate any motor vehicle upon the highways in the transportation of property or passengers for compensation unless the name, or trade name, place of principal office, and PSC I.D. number appear on both sides of such vehicle in letters and figures not less than three (3) inches high."

3. There is no exemption contained within the placarding requirements of either the current regulation as restated above or within the recently revised Regulations which the Commission recently

3. There is no exemption contained within the placarding requirements of either the current regulation as restated above or within the recently revised Regulations which the Commission recently filed with the South Carolina Legislative Council and which was drafted under Commission Docket No. 2007-18-T.

4. In Docket No. 2002-320-T the Petitioner, Absolutely Charleston, Inc. had petitioned the Commission to request a waiver of the placarding requirements of Reg. 103-153 in regards to the Lincoln Towncars and Chevrolet Suburban SUVs which it used to transport passengers in and around the city of Charleston. In Order No. 2002-739 the Commission went beyond the request of the Petitioner and found that “we believe that Absolutely Charleston, Inc. has stated a case for waiver of Regulation 103-153 for all Class-C-Charter vehicles in general” and waived “the provisions of Regulation 103-153 for all vehicles belonging to companies providing Class-C-Charter services provided the vehicles are used to provide Class-C-Charter services alone.”

5. Despite the language contained in Order 2002-739, in Commission Order No. 2007-656 (issued by the Commission on September 25, 2007 in Docket No. 2007-18-T) the Commission recently proposed the reenactment of the placarding requirements for **all** vehicles under Regulation 103-153 as cited above in Paragraph 3 herein.

6. ORS recognizes and acknowledges that, as stated in Commission Order No. 2002-739, limousines, towncars (in the generic sense of the term) and other “prestige” vehicles may be depreciated by placarding and that such markings may be considered unsightly. These “prestige” vehicles, however, make up only a portion of the vehicles which operate under Class C Charter certificates in South Carolina. Numerous other vehicles, such as passenger vans, are operated in South Carolina under Class C Charter certificates.

7. That ORS Transportation Inspectors who are charged with enforcing the transportation statutes contained in S.C. Code Ann. Title 58 and the regulations contained in Binder 26 S.C. Code Ann. Regs. Chapter 103 cannot easily identify whether vehicles such as


passenger vans or other non-prestige vehicles are personal vehicles or for-hire charter vehicles properly certificated to operate by this Commission as there is no requirement for any Class C Charter certificated carriers to be placarded under Order No. 2002-739. Without the placarding requirements, ORS Inspectors must stop any vehicles which they suspect of being uncertificated Class C Charter or non-emergency carriers. Several recent such stops have in fact discovered passenger vans providing charter passenger or non-emergency carrier services without certification from this Commission. Identification of these uncertificated carriers would be greatly enhanced by a clarification of Order No. 2002-739 to restore the placarding requirements of Regulation 103-153 to all vehicles which do not meet the definition of “prestige” vehicles as outlined by the Commission in that Order. It would additionally reduce the time and exposure to danger which ORS Inspectors must encounter in making such stops and would benefit the public interest by providing clear visual proof to the using and consuming public that the operators of such Class C Charter vehicles are regulated by the Commission and ORS.

8. That further, ORS and its investigators are uncertain, in light of the apparent conflict between the language of Regulation 103-153 and Order No. 2002-739, whether they have the proper authority to ticket any charter operators as violating the placarding requirements of Regulation 103-153.

9. That ORS understands additional changes to the current transportation regulations are or may be contemplated by the Commission in the near future, but that such will not be enacted until some months, or perhaps in excess of a year, from now. That therefore and, in light of the conflict between Order No. 2002-739 and the recently promulgated Regulation 103-153 and the associated problems in interpreting such by ORS inspectors in regards to enforcement of the placarding requirements regarding Class C Charter vehicles in South Carolina, the Commission act forthwith to issue a Declaratory Order in this matter.

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Issue an Order providing that all vehicles, including those operating under the authority of Class C Charter certificates, which are certificated for the transportation of persons or property by the Commission be required to comply with the placarding requirements of Regulation 103-153.
2. Further provide in such an Order that the only vehicles which may be exempt from such placarding requirement are "prestige" vehicles such as stretch limousines, towncars, and SUVs as addressed in Commission Order No. 2002-739.
3. For any additional action or relief which the Commission may deem necessary.



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